Annex to the note verbale dated 17 April 2013 from the Permanent Mission of the Republic of Moldova to the United Nations addressed to the Chair of the Committee

The Ministry of Foreign Affairs and European Integration of the Republic of Moldova presents its compliments to the Security Council Committee established pursuant to paragraph 4 of Security Council resolution 1540 (2004) and has the honour to submit herewith the updated national report on the implementation by the Republic of Moldova of Security Council resolution 1540 (2004) (see enclosure).

Additionally, the Ministry of Foreign Affairs and European Integration kindly requests the assistance of the 1540 Committee to hold an experts visit to the Republic of Moldova, in the upcoming future, in order to have direct consultations between the 1540 Committee experts and representatives of the relevant institutions of the Government of the Republic of Moldova on the issue of drafting the National Chemical, Biological, Radiological and Nuclear Action Plan.

Enclosure

Updated national report on the implementation by the Republic of Moldova of Security Council resolution 1540 (2004)

In response to Security Council resolutions 1540 (2004) and 1977 (2011), the Government of the Republic of Moldova brings to the attention of the 1540 Committee the actual results and progress in the field of preventing the proliferation of nuclear, chemical and biological weapons, and their means of delivery, and establishing appropriate domestic controls to combat the proliferation of weapons of mass destruction and nuclear and radiological materials. This report reflects national activities undertaken within the period 2005-2012.

1. Regulatory framework and additional measures adopted at the national level

1.1 On 11 May 2006 the Parliament of the Republic of Moldova approved Law No. 111, on the safe deployment of nuclear and radiological activities. Based on the provisions of Law No. 111, a single nuclear regulatory body was created in the Republic of Moldova (National Agency for Regulation of Nuclear and Radiological Activities (NARNRA)). Thus, all the relevant duties were transferred from the central authorities to NARNRA. On 8 June 2012 Law No. 111 was substantially updated, taking into consideration International Atomic Energy Agency (IAEA) recommendations (Law No. 132 on the safe deployment of nuclear and radiological activities).

1.2 During the reporting period, in order to start application of the safety and security standards of IAEA at the national level, the following activities/initiatives were launched or implemented:

- Inventory of all ionizing radiation sources within the country
- Periodic inspection of nuclear and radiological facilities
- Authorization of nuclear and radiological activities
- Establishment of an electronic database of ionizing radiation sources and physical or legal persons authorized in this field
- Categorization of radioactive sources in full compliance with IAEA standards
- Approval of requirements for the safe management of radioactive waste
- Extension of constraint measures by supplementing the Administrative Contraventions Code.

1.3 For immediate response to incidents that might involve nuclear or radiological materials, in accordance with the relevant provisions of Law No. 132 and under the auspices of NARNRA, the Mobile Expert Support Team was created. The team was established to ensure a better response, in close cooperation with the Customs Service and the Civil Emergency and Protection Service, to nuclear and radiological incidents.

1.4 Another step towards enhancement of the national chemical, biological, radiological and nuclear (CBRN) capabilities was the signing of Memorandums of Cooperation between NARNRA and other bodies of the Government of Moldova, such as: the Civil Emergency and Protection Service; the Customs Service; the

National Centre for Public Health; the Technical University; and the State University of Medicine and Pharmacy.

1.5 In 2012, in cooperation with the Nuclear Security Administration of the United States of America, the guidebook for customs officers entitled "Response to cases involving nuclear materials" was drafted and introduced with relevant guidance to all customs officers located at border-crossing points.

1.6. As a result of the national legislative and enforcement measures implemented to prohibit the illicit trafficking of nuclear, chemical and biological weapons, related materials and their means of delivery, as well as counterproliferation training, the Moldovan Police successfully thwarted two incidents of the sale of highly enriched-uranium (in August 2010 and June 2011, respectively) and arrested the perpetrators.

1.7 In May 2011, a representative of the Ministry of Defence was nominated as the national focal point for the Biological and Toxin Weapons Convention (BTWC). In addition, in July 2011, the National Committee, headed by the Deputy Minister of Defence, was created with the purpose of coordinating more efficiently activities related to BTWC implementation at the national level by involving other stakeholders. From July 2011 to February 2013, the National Committee hosted five meetings at which several issues were discussed: enhanced cooperation between stakeholders; identification of areas for future cooperation in the field of biodefence; determination of roles and responsibilities in order to avoid duplication of activities; preparation of a list of national needs to ensure adequate domestic implementation of the Convention; assessment of institutional needs on the side of BTWC in order to start the development of a national CBRN action plan.

1.8 The Ministry of Defence, in cooperation with other national stakeholders, started the process of drafting a comprehensive national biological non-proliferation strategy and action plan. The strategy aims to reduce the risk of uncontrolled proliferation of biological expertise and related materials, and improve biological security and safety, domestically and regionally. The draft action plan includes training in biosafety/biosecurity, modern diagnostic and disease surveillance, surveillance of key crop pathogens, technical advice and training for laboratories dealing with dangerous pathogens and for law enforcement agencies, mapping of areas potentially contaminated with endemic anthrax and other activities.

1.9 In 2012, two units of the National Army were evaluated on CBRN capabilities and interoperability based on Operational Capabilities Concept principles. Evaluation took place under the supervision of the Joint Force Command. Evaluated areas were: unit capability to operate in a CBRN environment; use of personnel protective equipment; emergency alarms and signal of nuclear, chemical and biological threats; immediate individual decontamination and first aid for contaminated persons; and first aid in a CBRN environment.

1.10 In cooperation with IAEA, Chisinau International Airport (and the warehouse depot) and the Leuseni border crossing point (border of the European Union) were equipped with relevant technology capable of detecting radioactive materials. In addition, five portable radionuclide identifiers where purchased for use by customs officers.

1.11 Executive orders/letters regarding information and/or alerting officers and other experts (including at the managerial level) were issued regarding the prohibition of external economic and financial transactions with States sponsors of

terrorism or States that are currently under United Nations/European Union/United States embargoes.

1.12 Government Decision No. 961 of 21 August 2006 on the national network of laboratory supervision and control on contamination (pollution) of the environment with radioactive, poisonous, strongly toxin substances and biological agents, was amended by Government Decision No. 932 of 8 December 2011, which introduces legal definitions of "biological agent" and "contamination"; improves the task of the laboratory network in case of contamination with biological agents; nominates national authorities for laboratory control and epidemiological investigation of an outbreak; introduces new requirements of veterinary safety of animal products in establishments producing, importing, exporting, processing, storing, transporting and marketing these products; reflects new measures for the safety of animal products for human consumption and prevent zoonotic disease transmission; reflects national measures for plant protection and phytosanitary quarantine across the country; and provides for interministerial cooperation and coordination in the event of an incident involving dangerous biological agents or toxins.

1.13 As part of its Individual Partnership Action Plan (IPAP) with the North Atlantic Treaty Organization (NATO), Moldova works with the alliance in the field of environmental security and in particular in the clean-up and destruction of hazardous chemicals on its territory. Collaboration with NATO was officially launched in November 2006. The benefits of this project include, inter alia, the overall reduction of the environmental, health, and socioeconomic risks associated with obsolete pesticides, dissipation in the environment and assisting Moldova in meeting its obligations under international conventions, agreements and protocols.

2. Collection and withdrawal/removal of the radioactive waste from the Transnistrian region of the Republic of Moldova

In cooperation with the OSCE Mission to Moldova, more than 300 radioactive sources were collected and withdrawn from the Transnistrian region of the Republic of Moldova. The radioactive waste was collected and removed from an enterprise and transported to a safe storage facility in the capital of Moldova, Chisinau. The sources of ionizing radiation were safely transported, under the close supervision of OSCE Mission members and authorities from both banks. The cooperation in this field will be continued in the near future. As for other activities in the field of nuclear safety and security, the dialogue is oriented towards potential licensing and inspection of those facilities in the Transnistrian region that might involve radioactive sources.

3. International cooperation and adherence to relevant nuclear security instruments

3.1 The following international instruments in the field of nuclear safety and/or security were signed/ratified by the Republic of Moldova:

- Agreement with IAEA for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons and the Protocol to that Agreement
- Amendment to the Convention on the Physical Protection of Nuclear Material
- International Convention for the Suppression of Acts of Nuclear Terrorism (national point of contact was designated in 2012)

- Agreement on the Privileges and Immunities of IAEA
- Joint Convention on the Safety of Spent Fuel Management and the Safety of Radioactive Waste Management
- Agreement on small quantities of nuclear material
- Additional Protocol to the Agreement with IAEA for application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons
- Acceptance and implementation of the Code of Conduct on the safety and security of radioactive sources
- Joint Action Plan between the Government of the Republic of Moldova and the Government of the United States of America on combating smuggling of nuclear and radioactive materials
- Memorandum of Understanding between the Department of Energy of the United States of America and the Border Guard Service of the Republic of Moldova concerning cooperation to prevent illicit trafficking in nuclear and radioactive material. A similar document was signed with the Customs Service of the Republic of Moldova.

3.2 The Republic of Moldova is also actively engaged in non-proliferation activities at the regional level. Moldova is a party to the Protocol signed between GUAM countries (Georgia, Ukraine, Azerbaijan and Moldova) in the field of non-proliferation. Some other instruments of cooperation for assistance in nuclear material analyses were signed as well with the National Commission for Nuclear Activities Control of Romania and the Institute of Transuranium Elements in Karlsruhe (Germany).

3.3 During the period 2006-2012, a number of projects on technical assistance have been implemented, and about 50 per cent of them refer to nuclear security, including combating illicit trafficking of radiological materials. In cooperation with our foreign partners: the United States National Research Council, the United States Department of Energy, the Swedish Radiation Safety Authority, European Commission, Department of Technical Cooperation of IAEA, IAEA Department of Safeguard and IAEA Office of Nuclear Security, Moldova received technical assistance, such as equipment, conduct of field exercises, personnel training for and all authorities involved in the process, and conferences, seminars and panel discussions.

3.4 The Republic of Moldova is a member of the South-East Europe, Caucasus and Ukraine Center of Excellence Initiative, responsible for the Chemical, Biological, Radiological and Nuclear (CBRN) Governance implementation. This project has as partners the United Nations Interregional Crime and Justice Research Institute (UNICRI), the Joint Research Centre (JRC) as a Directorate General of the European Commission, IAEA, OPCW, BWC ISU, WCO, INTERPOL, EUROPOL and the SECI Center. The European Commission contributed 100 million euros to EU CoE, which would be used for the execution of projects related to the promotion of a culture of safety and security on various issues, such as: export control; illicit trafficking/illicit financing; engaging scientists; biosafety/security; nuclear safety/security; and CBRN waste management. The activities of both national CBRN teams and CoE would be supported by a regional secretariat located in Tbilisi, Georgia.

4. National control measures on biological weapons-related materials

4.1 The principal legislative provisions for the purposes of implementing the Republic of Moldova's obligations under the Biological Weapons Convention also apply to the sections of Security Council resolution 1540 (2004) on biological security. These are found in the Law on accession of the Republic of Moldova to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, Criminal Code, Code of Criminal Procedure, Contravention Code, Customs Code, Law on Licensing Some Types of Activities, Law of the Republic of Moldova on export, re-export, import and transit control of strategic goods, Law on State Regulation of External Trade, Law on the State Border of the Republic of Moldova, Law on Combating of Terrorism, Law on Prevention and Combating Money Laundering and Terrorism Financing, Law on Operative Investigation Measures, Law on the State Oversight of the Public Health, Parliamentary Decision on regulations on marketing of military equipment, Law on sanitary veterinary activity, Law concerning food, Law on sanitary-epidemiological insurance, Law on environmental protection, Law on ratification of the Cartagena Protocol on Biosafety to the Convention on Biological Diversity, Law on biological safety, Law on atmosphere air protection, Law on civil protection, Government Decision on national network of laboratory supervision and control on contamination (pollution) of the environment with radioactive, poisonous, strongly toxin substances and biological agents, Government Decision on the National System of export, re-export, import and transit control of strategic goods, Government Decision on Extraordinary National Commission for Public Health, Government Decision on approval of the rules on microbiological criteria for food and regulations concerning transportation of dangerous cargoes on the territory of the Republic of Moldova, among others.

4.2 Law No. 360-XV of 5 December 2004 on accession of the Republic of Moldova to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction entered into force for the Republic of Moldova as of 28 January 2005, with the following reservation: "Until the full re-establishment of the territorial integrity of the Republic of Moldova, the provisions of the Convention shall be applied only on the territory controlled effectively by the authorities of the Republic of Moldova".

4.3 Government Decision No. 1212 of 2010 implemented the Strategy of Integrated Management at Points of Entry for Border Police and Customs Services for early notification of cases of disease and primary measures to limit the spread of diseases. Provisions of the International Health Regulations 2005 are applied at points of entry, and competent authorities ensure border control and surveillance in accordance with Government Decision No. 475 of 26 March 2008. Regulation for transit over State borders of goods under veterinary control and plant quarantine are specified by Government Decision No. 1073 dated 19 September 2008.

4.4 Law No. 10-XVI of 3 February 2009 on State Oversight of the Public Health regulates the prevention of national and international spread of infectious diseases and public health events, including restrictive measures (isolation and quarantine) in accordance with International Health Regulation 2005. Measures and actions for prevention and management of public health emergency situations, including bioterrorism, are also stipulated. The National Extraordinary Commission of Public

Health Obligations are reflected by Government Decision No. 820 of 2009. The new electronic reporting system for communicable disease surveillance was implemented by Ministry of Health Decision No. 477 of 2009 in accordance with International Health Regulation 2005. The biosafety measures in laboratories are in accordance with National Guide of Biosafety in Laboratories (Laboratory Biosafety Manual, WHO, 2004 and Directive 2000/54/EC), available from http://cnsp.md/down/info1310369288ro.pdf and have been in force since March 2011.

4.5 Law No. 221-XVI of 19 October 2007 on sanitary veterinary activity, Law No. 78-XV of 18 March 2004 regarding food, Government Decision No. 221 of 16 March 2009 regarding approval of the rules on microbiological criteria for food, harmonization of the legislation with Regulation (EC) No. 2073/2005 of 15 November 2005, Government Decision No. 1441/2007 of 5 December 2007 (Hazard Analysis and Critical Control Point) established the main sanitary-veterinary rules and requirements in the Republic of Moldova, the rights and obligations of the State, individuals and public bodies in the production, processing, storage, transport and selling of live animals and animal products in order to ensure animal health, to prevent the transmission of disease from animals to humans, ensure the safety of animal products intended for human consumption, sanitation and quality of animal feed, testing and authorization of veterinary medical products and the substances used in veterinary diagnostics, and protection of the State territory against infectious diseases by the sanitary-veterinary activities.

4.6 Government Decision No. 961 of 21 August 2006 on national network of laboratory supervision and control on contamination (pollution) of the environment with radioactive, poisonous, strongly toxin substances and biological agents stipulates that observation and control of the prohibition of toxic substances and biological agents are performed by the national network of laboratory supervision and control on contamination (pollution) of the environment (further national network), based on centres of preventive medicine of the Ministry of Health, the Republican Center of Applied Pedology, the Republican Center of Veterinary Diagnostics, specialized veterinary and agro-chemistry laboratories, dedicated centres and laboratories of the Ministry of Agriculture and Food Industry, the State Hydrometeorology Service and the State Inspectorate of Ecology and Natural Resources, the radiometric-chemical laboratory of the Civil Protection and Emergency Situations Service of the Ministry of Internal Affairs, the National Standardization and Metrology Service, and the laboratories of the Agroindustrial Agency, Moldova-Vin.

4.7 The National Guidance on Regulations for Transport of Infectious Substances, in accordance with WHO/HSE/EPR/2008.10, "Guidance on regulations for the transport of infectious substances 2009-2010", entered into force for the Republic of Moldova on March 2011 (http://www.cnsp.md/down/info1310369463ro.pdf).

4.8 The Republic of Moldova intends to enact new legislation or to amend existing legislative provisions, if necessary, to deal with developments in this area after finalization of the legislative survey which is currently ongoing.

5. Outreach events, seminars/workshops focused on the issue of combating proliferation of CBRN materials, weapons of mass destruction, and nuclear security

5.1 In order to develop national capabilities for prevention, detection and response to illicit trafficking of CBRN materials, weapons of mass destruction, and their means of delivery, based on specific agreements and other political commitments between the Government of Moldova (GoM) and its partners, a number of activities were organized in the Republic of Moldova in 2010/2012:

- Trilateral (United States-Romania-Moldova) Civilian-Military Forum and Tabletop Exercise on Outbreak Response and Bioterrorism Investigation (ORBIT Forum), held in Chisinau, Republic of Moldova, on 19-21 October 2010. These events were organized by the United States Department of Health and Human Services (Office of the Assistant Secretary for Preparedness and Response) and the United States Department of Defense (United States European Command, Armed Forces Health Surveillance Center, Center for Disaster and Humanitarian Assistance Medicine, and the United States Public Health Command Europe). The ORBIT Forum and associated tabletop exercise aimed, inter alia, to strengthen the core capacities required by the WHO International Health Regulations and existing national measures consistent with obligations under the BTWC and Security Council resolution 1540 (2004) to deter, prevent, and respond to biological incidents or threats. The After-Action Report is available online at: http://www.phe.gov/Preparedness/international/Documents/orbit-after-action.pdf.
- EU Joint Action assistance visit at the expert level for improvement of practical knowledge for the drafting of a confidence-building measure report on BTWC implementation; June 2011.
- Regional workshop on national implementation of the BTWC for the States parties to the Eastern Partnership, June 2011, Chisinau. The event was implemented with the support of the UNODA, EU and the Government of Moldova.
- NATO Advanced Research Workshop on "Political, Scientific and Technological Approaches to the Implementation of Security Council resolution 1540 (2004)", Chisinau, October 2012.
- Workshop on Nuclear Security Issues for GUAM countries, organized with SSM (Sweden) support, Chisinau, November, 2012.
- Two field exercises in detection of and response to illicit trafficking of nuclear and radioactive materials, organized with the Office of Nuclear Safety of the IAEA, Chisinau, 2012.
- Regional training course on Introduction to Nuclear Forensics, organized with IAEA support, Chisinau, October, 2012.
- Tabletop exercises organized by the United States Embassy in Moldova focused on CBRN incident response plan; increasing criminal penalties related to illicit smuggling of nuclear and radiological materials.
- Proliferation Security Initiative workshop, November 2012.

5.2 In addition, during the reporting period, national experts have participated in a number of seminars, workshops, conferences and field exercises dedicated to non-proliferation issues.

6. Improving national export control system

A national export control system of dual-use technologies was created in 2000. Since then, no changes were enacted in the legislation, including in the national control list. Acknowledging the need to improve national export control practices and update the export control list, in 2011 the Ministry of Foreign Affairs and European Integration requested OSCE assistance on this matter. Thus, in March 2012, a delegation of EU experts, led by BAFA and with OSCE support, conducted a documentation visit to Moldova. During this visit, national institutions involved in the export control process were informed in a comprehensive manner about EU experience and regulations on dual-use export control. In addition, EU experts met senior officials from the Government of Moldova. As per discussions and agreements established during the March 2012 visit, from May to December 2012, EU experts conducted a comprehensive review of existing Moldovan legislation on export control of dual-use technology and control list. In January 2013, the group of EU experts, in cooperation with OSCE and the support of the Ministry of Foreign Affairs and European Integration, visited Moldova in order to present their recommendations on adjusting Moldovan legislation on export control to the best EU practices. Recommendations were introduced to the attention of national experts involved in this process during a round table. EU delegations have met again with senior officials from the Ministry of Economy and the Ministry of Foreign Affairs and European Integration, and for the first time with representatives of Parliament, in order to present their conclusions and recommendations regarding the national export control legislation and national control list. Relevant Moldovan authorities will continue to advance the process of amending or redrafting the export control legislation and submit it for legislative approval.

7. Transparency and outreach

Starting in 2011, the Republic of Moldova is submitting on an annual basis all its national reports related to non-proliferation activities based on the commitments resulted from BTWC, CWC, relevant IAEA instruments, and export of dual-use goods. The Ministry of Foreign Affairs and European Integration established a website for highlighting relevant activities in the field of disarmament and non-proliferation. The website is at: http://www.mfa.gov.md/dezarmare-neproliferare-en/. The list of multilateral treaties that the Republic of Moldova is party to is available online at: http://www.mfa.gov.md/img/docs/ListaTratateMultilaterale.pdf.